

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1316

Introduced by Assembly Member Ma

February 27, 2009

An act to amend Sections 382 and 382.1 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1316, as amended, Ma. Public utilities: low-income customers.

Existing law requires the Public Utilities Commission to establish a program of assistance to low-income electric and gas customers, which is referred to as the California Alternate Rates for Energy (CARE) program. Existing law establishes the Low-Income Oversight Board, *composed of 11 members*, for the purpose of advising the commission on low-income electric, gas, and water customer issues and serving as a liaison for the commission to low-income ratepayers and representatives. Existing law requires the commission, with the assistance of the Low-Income Oversight Board, to conduct periodically an assessment of the needs of low-income electricity and gas ratepayers. The Low-Income Oversight Board is authorized to establish a technical advisory committee and to request utility representatives and the staff of the commission to assist the technical advisory committee.

This bill would require the commission, *or the board, or both*, to report biannually to the Legislature *regarding the status of low-income programs, and to the extent possible*, the results of each assessment. ~~The Low-Income Oversight Board~~ *board* would be required to review and make recommendations *to the commission* regarding the proposed budgets for programs provided to low-income electricity, gas, and water

customers. The bill would delete the authority of the ~~Low-Income Oversight Board~~ *board* to establish a technical advisory committee. ~~The bill would require the commission to assign employees of the Division of Ratepayer Advocates to assist the Low-Income Oversight Board~~ *but would require the board to establish a regulatory advisory committee to assist the board. The bill would also expand the membership of the board to include a member selected by the State Air Resources Board.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 382 of the Public Utilities Code is
2 amended to read:
3 382. (a) Programs provided to low-income electricity
4 customers, including, but not limited to, targeted energy-efficiency
5 services and the California Alternate Rates for Energy program
6 shall be funded at not less than 1996 authorized levels based on
7 an assessment of customer need.
8 (b) In order to meet legitimate needs of electric and gas
9 customers who are unable to pay their electric and gas bills and
10 who satisfy eligibility criteria for assistance, recognizing that
11 electricity is a basic necessity, and that all residents of the state
12 should be able to afford essential electricity and gas supplies, the
13 commission shall ensure that low-income ratepayers are not
14 jeopardized or overburdened by monthly energy expenditures.
15 Energy expenditure may be reduced through the establishment of
16 different rates for low-income ratepayers, different levels of rate
17 assistance, and energy efficiency programs.
18 (c) Nothing in this section shall be construed to prohibit electric
19 and gas providers from offering any special rate or program for
20 low-income ratepayers that is not specifically required in this
21 section.
22 (d) The commission shall allocate funds necessary to meet the
23 low-income objectives in this section.
24 (e) Commencing in 2002, an assessment of the needs of
25 low-income electricity and gas ratepayers shall be conducted
26 periodically by the commission with the assistance of the
27 Low-Income Oversight Board. The assessment shall evaluate

low-income program implementation and the effectiveness of weatherization services and energy efficiency measures in low-income households. The assessment shall consider whether existing programs adequately address low-income electricity and gas customers' energy expenditures, hardship, language needs, and economic burdens.

(f) The commission *or the Low-Income Oversight Board, or both*, shall report biannually to the Legislature regarding *the status of low-income programs, including, but not limited to, CARE participation rates, the number of low-income households served, current and proposed outreach efforts, and, to the extent possible*, the results of each assessment conducted pursuant to subdivision (e).

SEC. 2. Section 382.1 of the Public Utilities Code is amended to read:

382.1. (a) There is hereby established a Low-Income Oversight Board, which shall advise the commission on *all* low-income electric, gas, and water customer issues and shall serve as a liaison for the commission to low-income ratepayers and representatives. The Low-Income Oversight Board shall do all of the following to ~~advise the commission regarding the commission's duties~~ *represent the needs and interests of low-income ratepayers*:

(1) Monitor and evaluate implementation of all programs provided to low-income electricity, gas, and water customers.

(2) Review and make recommendations regarding the proposed budgets for programs described in paragraph (1) prior to approval by the commission.

(3) Assist *the commission* in the development and analysis of any assessments of low-income customer need.

(4) Encourage collaboration between state and utility programs for low-income electricity and gas customers to maximize the leverage of state and federal energy efficiency funds to both lower the bills and increase the comfort of low-income customers.

(5) Provide reports to the Legislature, as requested, summarizing the assessment of need, audits, and analysis of program implementation.

(6) *Provide recommendations to the Legislature, as requested, on policy or legislation impacting low-income customers.*

~~(6)~~

(7) Assist *the commission* in streamlining the application and enrollment process of programs for low-income electricity and gas customers with ~~general~~ *other nongas and electric* low-income programs, including, but not limited to, the Universal Lifeline Telephone Service (ULTS) program and, including compliance with Section 739.1.

~~(7)~~

(8) Encourage the usage of the network of community service providers in accordance with Section 381.5.

(9) To the extent possible, monitor and evaluate all proceedings before the commission that impact low-income electricity, gas, and water customers.

(10) Actively solicit public input and recommendations through town hall meetings and other forums that target underserved areas.

(b) The Low-Income Oversight Board shall be composed of ~~11~~ 12 members to be selected as follows:

(1) Five members selected by the commission who have expertise in the low-income community and who are not affiliated with any state agency or utility group. These members shall be selected in a manner to ensure an equitable geographic distribution.

(2) One member selected by the Governor.

(3) One member selected by the commission who is a commissioner or commissioner designee.

(4) One member selected by the Department of Community Services and Development.

(5) One member selected by the commission who is a representative of private weatherization contractors.

(6) One member selected by the commission who is a representative of an electrical or gas corporation.

(7) One member selected by the commission who is a representative of a water corporation.

(8) One member selected by the State Air Resources Board.

(c) The Low-Income Oversight Board shall alternate meeting locations between northern, central, and southern California.

~~(d) The commission shall assign employees from the Division of Ratepayer Advocates to assist the Low-Income Oversight Board.~~

(d) The Low-Income Oversight Board shall establish a regulatory advisory committee to assist the board in its duties. The committee may request assistance from the commission staff,

1 *utility representatives, low-income service providers, and consumer*
2 *organizations.*

3 (e) The commission shall do all of the following in conjunction
4 with the board:

5 (1) Work with the board, interested parties, and
6 community-based organizations to increase participation in
7 programs for low-income customers.

8 (2) Provide technical support to the board.

9 (3) Ensure that the energy burden of low-income electricity and
10 gas customers is reduced.

11 (4) Provide formal notice of board meetings in the commission's
12 daily calendar.

13 (f) (1) Members of the board shall be eligible for compensation
14 in accordance with state guidelines for necessary travel.

15 (2) Members of the board who are not salaried state service
16 employees shall be eligible for reasonable compensation for
17 attendance at board meetings.

18 (3) All reasonable costs incurred by the board in carrying out
19 its duties pursuant to subdivision (a), including staffing, travel,
20 and administrative costs, shall be reimbursed through the public
21 utilities reimbursement account and shall be part of the budget of
22 the commission and the commission shall consult with the board
23 in the preparation of that portion of the commission's annual
24 proposed budget.